

**In the U.S. Patent and Trademark Office**

Inventor Abbink

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Title: Optical Spectroscopy Incorporating a Vertical Cavity Surface Emitting Laser (VCSEL)

Response to Restriction

Applicant has reviewed the Communication mailed 01/26/2005, submits the following in complete response thereto, and requests consideration of the Claims presented.

Requirement and Election

The Office required election to either the invention of Claims 1-23 or the invention of Claims 24-32. Applicant provisionally elects the invention of Claims 1-23.

Traverse.

The Office restricted the two groups as combination and subcombination. The Office asserted that "the combination as claimed does not require the particulars of the subcombination as claimed because the interferometric spectrometer could be operated with another tunable source than a VCSEL." Office Action p. 2. Applicant respectfully traverses this assertion. While spectrometers in general can use other tunable sources, the combination as claimed is expressly limited to require a vertical cavity surface emitting laser. See, e.g., Claim 1, element b); Claim 11, element a); Claim 13, element a); Claim 15, element a); Claim 17, element a); Claim 19, element a), Claim 21, element a).

As an example, element b of Claim 1 (invention I in the restriction) is set forth below, with references to the elements of Claim 24 (invention II in the restriction) set forth in parentheses, showing a correspondence with all the elements of Claim 24.

b) a vertical cavity surface emitting laser, (*Claim 24 element a*) including electronics to drive the vertical cavity surface emitting laser to project a beam therefrom, operatively mounted with the interferometer with a portion of the beam generally following the defined light path and a portion of the beam interacting with a defined response element (*Claim 24 element c*) and then to a detector (*Claim 24 element b*), the vertical cavity surface emitting laser including an operating parameter control system for controlling an operating parameter (*Claim 24 element d*) of the vertical cavity surface emitting laser responsive to a signal from the detector (*Claim 24 elements e, f*).



P0049.US2

Accordingly, Applicant submits that the proposed combination/subcombination restriction is improper, and requests that it be withdrawn. MPEP 806.05(c).

Respectfully submitted,

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2/21/06
date

Certificate of Mailing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450.

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